
**PRELIMINARY DRAFT
No. 3114**

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2008 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 30-5-4.

Synopsis: Power of attorney requirements. Permits a power of attorney to be signed at the principal's direction. (Current law requires a power of attorney to be signed by the principal to be valid.)

Effective: July 1, 2008.



A BILL FOR AN ACT to amend the Indiana Code concerning probate.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 30-5-4-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2008]: Sec. 1. To be valid, a power of attorney
3 must meet the following conditions:
4 (1) Be in writing.
5 (2) Name an attorney in fact.
6 (3) Give the attorney in fact the power to act on behalf of the
7 principal.
8 (4) Be signed by the principal **or at the principal's direction** in
9 the presence of a notary public.
10 SECTION 2. IC 30-5-4-2 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) Except as provided in
12 subsection (b), a power of attorney is effective on the date the power of
13 attorney is signed ~~by the principal~~ **in accordance with section 1(4) of**
14 **this chapter.**
15 (b) A power of attorney may:
16 (1) specify the date on which the power will become effective; or
17 (2) become effective upon the occurrence of an event.

